



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

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OFFICE OF PETITIONS

In re U.S. Patent Application of:)	<u>Group Art Unit:</u> 2625
)	
Young Su LEE)	<u>Examiner:</u> S. Azarian
)	
Serial Number: 09/657,573)	<u>Attorney Docket:</u> LEEY3016beu
)	
Filed: September 8, 2000)	<u>Confirmation No.:</u> 2704

For: Motion Estimator Architecture For Low Bit Rate Image Communication

**REQUEST FOR RECONSIDERATION OF DECISION ON
PETITION FOR REVIVAL UNDER 37 C.F.R. § 1.137(b)**

Honorable Commissioner For Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

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Sir:

The Applicant respectfully requests reconsideration of the decision dated September 16, 2008, dismissing the petition filed on August 12, 2008.

The reason for dismissal of the petition was that it was not clear that the signer of the statement accompanying the petition had firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date. In addition, the Decision on the petition noted that it was not clear that the person signing the petition and statement (the undersigned, Benjamin E. Urcia) had power of attorney.

In reply, the Applicant respectfully submits the following documents:

1. the declaration of Jong-Il Lee, the Applicant's Korean representative, stating that he believed that the issue fee had been paid, and that he erroneously informed the Assignee that it had been paid, and
2. the declaration of Mr. Seung Mo SEO, an employee of the Assignee having firsthand knowledge of the circumstances concerning the failure to revive the application, stating that the reason that the petition to revive was not filed earlier was that Mr. Seo believed, at all times during the period between abandonment of the application and

authorization of the petition for revival, that the issue fee had in fact been paid, and further that the Assignee did not intend at any time during the relevant period to abandon the application.

3. a power of attorney signed by the Applicant and the Assignee.

Mr. Lee's petition declares that:

- a. Mr. Lee instructed the undersigned, Applicant's U.S. representative, to pay the issue fee on March 10, 2004.
- b. Mr. Lee believed that the issue fee had been paid and was docketed as "registration fees payment completion" in Mr. Lee's computerized docketing system.
- c. Because registration was docketed as completed, Mr. Lee did not believe that further action was necessary.
- d. Because the Applicant had been informed that registration was completed, the Applicant also did not believe that further action was necessary.
- e. A letter sent by Applicant's U.S. representative on March 23, 2004, informing Mr. Lee that the application had become abandoned was not received by Mr. Lee, and therefore Mr. Lee's computerized docketing system continued to reflect "completion of registration fees payment."
- f. Mr. Lee informed the Applicant that the issue fee had been paid did not receive any further inquiry about the Letters Patent until April 30, 2008.

Mr. Seo's petition declares that:

- a. Mr. Seo is an employee of the Assignee.
- b. Mr. Seo was informed by Mr. Jong-Il Lee, on or shortly after March 10, 2008, that the issue fee payment had been completed.
- c. Mr. Seo believed at all times during the period between March 10, 2004 and May 30, 2008 that the issue fee had been paid.
- d. Mr. Seo authorized the petition to revive the application upon learning that the application had been abandoned.

- e. At no time during the period between abandonment of the application and the date of the declaration did the Assignee intend to abandon the application.

It is respectfully submitted that the declarations of Mr. Lee and Mr. Seo show that the protracted delay in reviving the application was the result of a misunderstanding on the part of the Assignee and the Assignee's Korean representative that the issue fee had been paid, and that the Assignee at no time intended to abandon the application. The circumstances surrounding the abandonment have previously been described in the petition for revival submitted by the undersigned on August 12, 2008.

As a result, it is again respectfully submitted that the abandonment of the application for failure to prosecute was an unintentional delay, and that **the entire delay in filing the required reply from the due date until the filing of this petition was unintentional.**

It is noted that although the undersigned was not listed on the power of attorney submitted in the original application, the undersigned has been an employee since 1988 of the firm listed in the original power and in the new power, Bacon & Thomas, PLLC. In addition, it is respectfully noted that the amendment submitted in the Application on October 14, 2003, was submitted by the undersigned. The new power confirms the power of attorney to the undersigned and maintains the same correspondence address.

The required reply, in the form of payment of the issue fee and submission of a completed form PTOL-85, has previously been attached. The petition fee of \$770 has also previously been paid.

Serial Number 09/657,573

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to be 'B. Urcia', followed by a long horizontal line extending to the right.

By: BENJAMIN E. URCIA
Registration No. 33,805

Date: December 16, 2008

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